



**STATE BOARD OF EQUALIZATION**

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No. 84/37

March 30, 1984

TO COUNTY ASSESSORS:

SUMMARY OF PROPOSED LEGISLATION NUMBER 3

Following are brief summaries of legislation introduced or amended during the 1983-84 regular session of the Legislature. These measures relate to the Revenue and Taxation Code or otherwise to the assessing function.

AB 1458

Author: Assembly Member Elder

Action: Amended in Senate

Date: February 29, 1984

Affected Code Section: Adds Chapter 2 to Division 10 of Water Code.

This bill would provide that mobilehomes used primarily for residential purposes and located on rental spaces within a mobilehome park shall not be subject to ad valorem property taxes for debt service of any water district or improvement district within which the park is located.

AB 2345

Author: Assembly Member Hannigan

Action: Amended in Assembly

Date: February 29, 1984

Affected Code Sections: In pertinent part, repeals Section 75.65 of the Revenue and Taxation Code.

This amendment removes the prior amendment that extended the filing date from January 15, 1984, to February 15, 1984, for claims of excess costs incurred in administering the supplemental assessment statutes.

AB 2433

Author: Assembly Member Klehs

Action: Amended in Assembly

Date: March 5, 1984

Affected Code Sections: Amends many sections of the Government and Revenue and Taxation Codes.

The referenced amendment restores the previously deleted exclusion from change in ownership for certain correcting or reforming transfers of real property.

March 30, 1984

AB 2748

Author: Assembly Member Elder

Action: Introduced in Assembly

Date: February 7, 1984

Affected Code Section: Adds Section 201.6 to the Revenue and Taxation Code.

This bill would exempt from property taxation any possessory interest of a private entity in real property owned by a city if the property is used exclusively for the maintenance and operation of a foreign trade zone.

AB 2830

Author: Assembly Member McClintock

Action: Introduced in Assembly

Date: February 9, 1984

Affected Code Section: Amends Section 2188.5 of the Revenue and Taxation Code.

This bill would require the allocation of value of a common area to the individual parcels in all planned unit developments for property tax purposes and not just for residential units.

AB 2890

Author: Assembly Member Young

Action: Introduced in Assembly

Date: February 13, 1984

Affected Code Section: Amends Section 62 of the Revenue and Taxation Code.

This bill would alter the definition of changes in ownership excluded from reappraisal to include transfers of dwelling units from parents to children or guardians to wards if the child or ward has been permanently disabled for at least five years prior to the transfer.

AB 2918

Author: Assembly Member Hauser

Action: Introduced in Assembly

Date: February 13, 1984

Affected Code Sections: Amends and renumbers Section 75.66 of, and adds Section 75.66 of, the Revenue and Taxation Code. Urgency statute.

This bill would, for the 1984-85 fiscal year, appropriate an unspecified amount of money to reimburse the counties for excess costs incurred in administering the supplemental assessment statutes, and would allow advance payments to certain counties under specified conditions.

March 30, 1984

AB 2922

Author: Assembly Member Bradley

Action: Introduced in Assembly

Date: February 13, 1984

Affected Code Section: Adds and repeals Section 480.4 of the Revenue and Taxation Code.

This bill would require all agencies leasing or assigning exempt real property to a nonexempt entity, thus constituting a taxable possessory interest, to advise the assessor within 60 days of any transaction related to that lease.

AB 3132

Author: Assembly Member Molina

Action: Introduced in Assembly

Date: February 15, 1984

Affected Code Section: Amends, repeals, and adds Section 480 of the Revenue and Taxation Code.

This bill would provide that a change in ownership statement would have to be filed at the time a document effecting a change in ownership was recorded. If the document were not recorded, the statement would have to be filed with the assessor within 45 days of the change in ownership and the penalty provisions would apply if written request were made by the assessor.

AB 3159

Author: Assembly Member Bradley

Action: Introduced in Assembly

Date: February 15, 1984

Affected Code Section: Adds Section 107.7 to the Revenue and Taxation Code.

This bill would require every local public agency which leases property subject to possessory interest assessment to notify the assessor of the county where the interest is assessed of any changes in the terms or conditions of the lease which took effect on or before March 1.

AB 3301

Author: Assembly Member Connelly

Action: Introduced in Assembly

Date: February 16, 1984

Affected Code Sections: Repeals Sections 107.2 and 107.3 of the Revenue and Taxation Code.

This bill would eliminate the exemption from property taxation of certain royalty interests in the production of oil and gas.

March 30, 1984

AB 3358

Author: Assembly Member Floyd

Action: Introduced in Assembly

Date: February 16, 1984

Affected Code Section: Amends Section 71 of the Revenue and Taxation Code.

This bill would, effective for the 1984-85 fiscal year and thereafter, require that a newly constructed project originally designed, engineered and completed as an integrated unit must be valued as a unit when all construction is complete.

AB 3576

Author: Assembly Member Leonard

Action: Introduced in Assembly

Date: February 17, 1984

Affected Code Section: Amends Section 202 of the Revenue and Taxation Code.

This bill would exempt from property taxation property used exclusively by the state, a county or a city under a contractual agreement with a joint powers authority, public facilities building corporation, lease-purchase arrangement, or other agreement leading to eventual ownership of the real property.

AB 3591

Authors: Assembly Member Wyman et al.

Action: Introduced in Assembly

Date: February 17, 1984

Affected Code Sections: Various sections of the Government and Revenue and Taxation Codes.

This bill would repeal the recently enacted supplemental roll if the Director of Finance certifies to the Controller, on or before January 10, 1985, that the Contingency Reserve for Economic Uncertainties and General Fund reserves as of June 30, 1985, will equal or exceed \$1.5 billion.

AB 3736

Author: Assembly Member Filante

Action: Introduced in Assembly

Date: February 17, 1984

Affected Code Section: Amends Section 205.5 of the Revenue and Taxation Code.

This bill would, for the 1985-86 fiscal year and thereafter, allow any veteran who is totally disabled from service-related injury or disease to qualify for the disabled veterans' exemption so long as the veteran resides in California on the current lien date. This is a change in the requirement of residency at the date of entry into military service.

March 30, 1984

AB 3737

Author: Assembly Member Filante

Action: Introduced in Assembly

Date: February 17, 1984

Affected Code Sections: Amends Sections 20505, 20581, 20583, and 20621 of the Revenue and Taxation Code.

This bill, which would become operative only if ACA 66 were approved by the voters, would extend property tax postponement to all blind and disabled owner-occupants regardless of age.

AB 3741

Author: Assembly Member Bradley

Action: Introduced in Assembly

Date: February 17, 1984

Affected Code Section: Amends Section 2212 of the Revenue and Taxation Code.

This bill would change the period for measuring the annual increase in the CPI factor, for purposes of Article XIII A, from the twelve-month period ending April 1 to the twelve-month period ending in December.

AB 3890

Author: Assembly Member Filante

Action: Introduced in Assembly

Date: February 17, 1984

Affected Code Section: Adds Chapter 4 to Part 4 of Division 1 of the Revenue and Taxation Code.

This bill would allow counties to adopt ordinances imposing separate tax rates for land and multiple tax rates for improvements. See ACA 67.

AB 3945

Author: Assembly Member Farr

Action: Introduced in Assembly

Date: February 17, 1984

Affected Code Section: Adds Section 73.1 to the Revenue and Taxation Code.

This bill would implement ACA 69 in that it would exempt from property taxation an addition to, alteration or reconstruction of a certified historic structure done for reasons of safety or handicapped access.

March 30, 1984

AB 3957

Author: Assembly Member Farr

Action: Introduced in Assembly

Date: February 17, 1984

Affected Code Sections: Amends Sections 50280 and 50281 of, and adds and repeals Sections 50295 through 50295.8 of, the Government Code; amends Sections 439 and 439.1 of the Revenue and Taxation Code.

This bill would relax some of the criteria required of a property in order for it to receive preferential assessment as a qualified historical property.

AB 4003

Author: Assembly Member Bradley

Action: Introduced in Assembly

Date: February 21, 1984

Affected Code Sections: Adds Section 470.5 to the Revenue and Taxation Code.

This bill would cause the assessee to pay for the cost of a property tax audit of the assessee's records if an escape assessment is made in an amount over five percent of the amount that was or should have been enrolled.

ACA 55

Author: Assembly Member Cortese et al.

Action: Amended in Assembly

Date: February 13, 1984

Affected Sections: Amends Article XIII A, Section 1(b) of the Constitution.

This constitutional amendment would provide an exception from the property tax limitation imposed by Article XIII A on bonded indebtedness in that it would allow interest and redemption charges on bonds for capital facilities approved after July 1, 1978, by two-thirds of the voters who voted on the bond proposition.

ACA 60

Author: Assembly Member Nolan

Action: Introduced in Assembly

Date: February 15, 1984

Affected Sections: Amends Section 1 and 10 of, and adds Section 4.5 to, Article VI; amends Sections 11 and 16 of Article XIII of the Constitution.

This measure would authorize the Legislature to create a state tax court which would be charged with adjudicating property tax appeals as well as most other tax matters. See also SCA 51.

March 30, 1984

ACA 62

Author: Assembly Member Leonard

Action: Introduced in Assembly

Date: February 17, 1984

Affected Code Section: Amends Article XIII, Sections 3(a) and (b).

This amendment would exempt from property taxation property used exclusively by either the state or a local government under a contractual agreement with a joint powers authority, public facilities building corporation, lease-purchase arrangement, or other agreement leading to eventual ownership of property. See AB 3576.

ACA 66

Author: Assembly Member Filante

Action: Introduced in Assembly

Date: February 17, 1984

Affected Section: Amends Article XIII, Section 8.5 of the Constitution.

This amendment would allow the Legislature to provide for property tax postponement for disabled owner-occupants. See AB 3736.

ACA 67

Author: Assembly Member Filante

Action: Introduced in Assembly

Date: February 17, 1984

Affected Section: Adds Article XIII D to the Constitution.

This amendment would permit imposition of a tax rate on improvements different from that applied to land. The improvement rate could vary from property to property depending upon date of construction of improvements. See AB 3890.

ACA 69

Author: Assembly Member Farr

Action: Introduced in Assembly

Date: February 17, 1984

Affected Section: Amends Article XIII A, Section 2 of the Constitution.

This constitutional amendment would permit the Legislature to formulate legislation that would exclude from taxation certain new construction carried out on certified historic structures. See AB 3945.

SB 1455

Author: Senator Marks

Action: Amended in Senate

Date: February 27, 1984

Affected Code Sections: Adds and repeals Sections 51222 and 66474.4 of the Government Code.

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This bill would, for purposes of administering open-space statutes, establish the rebuttable presumption that the productivity of prime agricultural land could be maintained in a parcel of at least ten acres, and that the productivity of other agricultural land could be maintained with a minimum of 40 acres. This presumption would remain in effect only until January 1, 1991.

SB 1617

Author: Senator Boatwright

Action: Introduced in Senate

Date: February 7, 1984

Affected Code Sections: Amends Sections 18083, 18085, and 18099.5 of, and repeals Section 18607 of, the Health and Safety Code; amends Section 5841 of the Revenue and Taxation Code.

This bill would modify mobilehome assessment statutes in the following areas:

(1) HCD would be required to furnish, on the list of mobilehomes reported to the counties each month, the name and address of the mobilehome park where the coaches were located.

(2) Applicants registering a mobilehome for the first time would be required to furnish the name of the county and mobilehome park in which the mobilehome was located.

(3) HCD would require that a copy of written consent to move a mobilehome be sent to the department.

SB 1698

Author: Senator Johnson

Action: Introduced in Senate

Date: February 13, 1984

Affected Code Section: Adds Section 2315.1 to the Public Resources Code.

This bill would authorize a county board of supervisors to resolve that anyone filing an affidavit of labor on a mining claim must prove that he or she had paid an unsecured tax assessed against the mining claim, prior to the affidavit being recorded.

SB 1724

Author: Senator Keene

Action: Introduced in Senate

Date: February 13, 1984

Affected Code Section: Amends Section 434.5 of the Revenue and Taxation Code.

This legislation would create a third timberland region for purposes of setting land values on properties zoned TPZ.



March 30, 1984

SB 1786

Author: Senator Petris

Action: Introduced in Senate

Date: February 13, 1984

Affected Code Section: Amends Section 1622.1 of the Revenue and Taxation Code.

This bill would allow county boards of supervisors to create five-member assessment appeals boards for three-year terms as an alternative to the current three-member boards. Under this proposal, only three members would serve at any one time.

SB 1841

Author: Senator Craven

Action: Introduced in Senate

Date: February 14, 1984

Affected Code Sections: Amends Section 18116 of and repeals Section 18083 of the Health and Safety Code; amends Sections 5801 and 5812 of, and repeals Section 10759.5 of, the Revenue and Taxation Code.

This bill would return mobilehomes first sold prior to July 1, 1980, from local property taxation to vehicle license fee status.

SB 2048

Authors: Senator Roberti et al.

Action: Introduced in Senate

Date: February 16, 1984

Affected Code Sections: Amends and adds various sections of the Government Code.

This bill would provide for the review of forms used by the state. It would require the head of each agency to submit all new public use forms and revisions of new and existing forms to the Director of the General Services Agency for review.

SB 2074

Author: Senator Johnson

Action: Introduced in Senate

Date: February 16, 1984

Affected Code Section: Adds Section 61.1 to the Revenue and Taxation Code.

This bill would provide that the renewal or extension of a grazing lease for a term of less than 35 years on tax-exempt real property shall not be a change in ownership.

March 30, 1984

SB 2109

Author: Senator Marks

Action: Introduced in Senate

Date: February 17, 1984

Affected Code Section: Amends Section 214 of the Revenue and Taxation Code.

This bill would clarify existing law as it applies to the welfare exemption for housing and related facilities for elderly or handicapped families.

SB 2136

Author: Senator Greene

Action: Introduced in Senate

Date: February 17, 1984

Affected Code Section: Adds Section 66913.5 to the Government Code.

This bill would create a procedure whereby any party could protest fees, taxes, dedications or reservations imposed on a residential housing development by a local governmental entity.

SB 2240

Author: Senator Seymour

Action: Introduced in Senate

Date: February 17, 1984

Affected Code Sections: Adds several sections to the Health and Safety Code; amends Section 62 of the Revenue and Taxation Code.

The pertinent section of this bill would exclude from change in ownership the transfer of a mobilehome park from its former owner to a nonprofit corporation or stock cooperative made up of tenants.

SB 2260

Author: Senator Marks

Action: Introduced in Senate

Date: February 17, 1984

Affected Code Section: Adds Section 815.10 to the Civil Code.

This bill would clarify existing law by stating that a conservation easement is an enforceable restriction as defined in Section 402.1 of the Revenue and Taxation Code.

SB 2324

Author: Senator Hart

Action: Introduced in Senate

Date: February 22, 1984

Affected Code Section: Adds Section 1622.2 to the Revenue and Taxation Code. Urgency statute.

This bill would permit a member of a county board of supervisors to serve on an assessment appeals board.

March 30, 1984

SCA 51

Author: Senator Boatwright

Action: Introduced in Senate

Date: February 16, 1984

Affected Section: Amends Sections 1 and 10 of, and adds Section 4.5 to, Article VI; amends Sections 11 and 16 of Article XIII of the Constitution.

This amendment would authorize the Legislature to establish a state tax court to adjudicate tax litigation including property tax and a state board of tax appeals to equalize assessed value in the counties. See also ACA 60.

SCA 54

Author: Senator Craven

Action: Introduced in Senate

Date: February 21, 1984

Affected Section: Amends Article XIII A, Section 1.

This amendment would eliminate the prohibition imposed by Article XIII A on new voter-approved bonded indebtedness being funded by property taxes.

Copies of each of these measures are enclosed for your information.

Sincerely,



Verne Walton, Chief  
Assessment Standards Division

VW:wpc  
Enclosures  
AL-07-1804A/W-2